



#24

Practitioner's Docket No. 02022097

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sapse, Alfred T.

Application No.: 09/234,532

Group No.: 1643

Filed: 01/21/1999

Examiner: H. Owens Jr.

For: Composition of Anti-HIV Drugs and Anti-Cortisol Compounds and Method for Decreasing the Side Effects of Anti-HIV Drugs in a Human

Box DAC

Commissioner for Patents

Crystal Park One, Suite 520

Washington, D.C. 20231

ATTENTION: Petition Information
Crystal Park One, Suite 520
(M.P.E.P. § 1002.02(b), 7th ed.)

RECEIVED

SEP 20 2002

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER
37 C.F.R. § 1.137(b)

1. This application became abandoned on October 11, 2001.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. § 1.137(b)(3)).
3. Response or action required is attached.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.10*

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. BEV1133, 849505 (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

09/19/2002 AMONDAF1 00000023 09234532

03 FC:241

640.00 OP

Date: 9/16/02

Signature

Timothy M. Hubalik
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

4. Fee (37 C.F.R. § 1.17(m))
Application status is small business entity—fee \$640.00. A statement was filed January 21, 1999.

5. Payment of fee

Check is attached for the sum of \$1506.00 to cover fees for the RCE, the three-month extension of time and the Petition to Revive.

A duplicate of this petition is attached.

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application was abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 11, 1997).

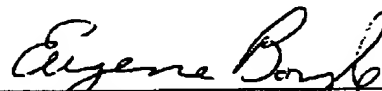
Additional sheets containing statements establishing unintentional delay

Samaritan Pharmaceuticals, the owner of patent application 09/234,532, files this petition for revival of an application for unintentional abandonment under 37 CFR 1.137(a).

1. My name is Eugene Boyle and I am the Chief Financial Officer of Samaritan Pharmaceuticals. I am the contact for Samaritan on all patent issues. I have held this position since I began working with Samaritan Pharmaceuticals in June 2000.
2. It is my understanding that on January 21, 1999, the above-captioned patent application was filed by Alfred T. Sapse, who assigned the application to Steroidogenesis Inhibitors, Inc. on January 21 1999. The assignment was recorded on January 21, 1999 and can be located at Reel/Frame 9732/0719.
3. On January 21, 1999, Steroidogenesis Inhibitors, Inc. assigned the present application, among others, to Steroidogenesis Inhibitors International, Inc.
4. On April 24, 2001, Steroidogenesis Inhibitors International, Inc. changed its name to Samaritan Pharmaceuticals. The change of name for this patent application was recorded with the USPTO on May 16 2002 and can be located at Reel/Frame 012908/0393.
5. After I filed the above stated name change for Samaritan Pharmaceuticals, I arranged a meeting with patent attorney Joseph Mahoney to discuss particular intellectual property strategies relating to the acquired technology.
6. In preparation to meet with Joseph Mahoney on July 23, 2002, I went to the U.S. Patent and Trademark Office ("USPTO") to ensure that I had a complete set of the file histories for the present application, as well as for all of the patent applications and patents that had been assigned to Samaritan.
7. While copying these files, I realized that the present application had been unintentionally abandoned.

8. To date, I have not received a Notice of Abandonment for the present application from either the Attorney of Record on the present application or the USPTO. Further, at no point has Steroidogenesis Inhibitors, Inc. (the assignor of this application) notified me or any other person at Samaritan Pharmaceuticals of the abandonment of the present application.

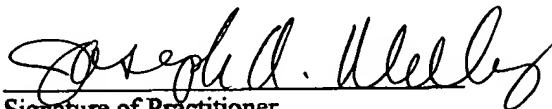
Date: 12 Sept 2002



Signature of person making statement that
abandonment was due to unintentional delay

Mr. Eugene Boyle
Samaritan Pharmaceuticals
101 Convention Center Dr.
Las Vegas, NV 89109

Date: 9-13-02



Signature of Practitioner

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Petition for Revival of Unintentionally Abandoned ApplicationBpage 3 of 3

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